

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6609**

**BILL NUMBER:** SB 353

**NOTE PREPARED:** Dec 20, 2010

**BILL AMENDED:**

**SUBJECT:** Bicycle Helmets and Vehicle Operation Near Bicycles.

**FIRST AUTHOR:** Sen. Broden

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill provides that it is a Class C infraction:

- (1) for a bicyclist under 18 years of age to fail to wear protective headgear when operating or riding on a bicycle; and
- (2) for a person driving a vehicle overtaking a bicycle to not allow at least three feet of clearance between the vehicle and the bicycle and not return to the original lane until the vehicle is safely clear of the bicycle.

**Effective Date:** July 1, 2011.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** There are no data available to indicate how many bicyclists may be guilty of failing to wear protective headgear when operating or riding a bicycle, or how many may violate the provisions concerning overtaking a bicycle.

The bill also strikes requirements that a bicycle be equipped with a bell that is audible from a distance of 100 feet and that prohibits use of a siren or whistle on a bicycle. There is no statewide database to indicate the number of Class C infractions entered each year for these offenses.

If additional court cases occur and infraction judgments and court fees are collected, revenue to the state General Fund may increase. The maximum judgment for a Class C infraction is \$500, which is deposited in the state General Fund.

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), the public defense administration fee (\$3), the court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund.

If a criminal action, infraction or ordinance violation involves a traffic violation, including this proposed offense, a highway work zone fee of either 50 cents or \$25.50 is assessed.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Karen Firestone, 317-234-2106.